

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

SIDNEY E. SMITH III, et al., executors	)	
of the Estate of Sidney E. Smith, Jr.,	)	
	)	
Plaintiff,	)	Civil Action No. 02-264 Erie
	)	
v.	)	Hon. Sean J. McLaughlin
	)	Hon. Susan Paradise Baxter
UNITED STATES,	)	
	)	
Defendant.	)	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of the United States' motion for a new trial, it is ORDERED that:

1. The United States' motion for a new trial is GRANTED;
2. The jury verdict, entered September 28, 2005, and the judgment, entered September 29, 2005, is hereby VACATED; and
3. A new trial shall be commenced on a date to be set by the Court.

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UNITED STATES DISTRICT JUDGE

COPIES TO:

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